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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.A. No. 463/2006

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

APPELLANTS PLAINTIFFS

1. Usha Vatti W/O Late Deendayal Vatti

   A] Dipesh Kumar Vatti aged about 17 years, S/O Late Deendayal Vatti
   B] Netesh Kumar Vatti aged about 15 years S/O Late Deendayal Vatti

   Appellant no. A & B minor through: Mother & natural guardian no.1 Usha Vatti W/O Late Deendayal Vatti all are resident of Near Indian Gas Godown, Amaguda (Lalbag) Gadalpur Distt. Bastar (CG)

2. Chhabil Netam W/O Arvind Netam aged about 53 years R/O Kewramunda Ward Colony) Jagalpur Distt. Bastar (CG)

Versus

RESPONDENT

Dwarka Prasad Badhera S/O Late Satyanarayana Badhera R/O Near Indian Gas Godown, Amaguda (Lalbagh) Jagdalpur, Distt. Bastar (CG)

Present:-

Dr. Nirmal Shukla, learned senior counsel with Shri Dilip Dubey, counsel for the appellants.

Shri Prafull N. Bharat, counsel for the respondent.

ORAL ORDER

(Passed On 2nd April, 2007)

Heard on admission.

2. Dr. Nirmal Shukla, learned senior counsel for the appellants urged the following two points in this appeal:-

A/ that reasonable time may be granted to the appellants to vacate the premises.

B/ that mesne profits awarded by both the Courts below @ Rs. 50/- per day being excessive may be modified.

No other point was urged by the learned senior counsel for the appellants in this appeal.

3. Having heard the learned counsel for the appellant, I have perused the record. As regards the mesne profits awarded by the Courts below and affirmed by the 1st Appellate Court is concerned, the appellants are in unauthorized possession of a huge area of land i.e. Rs. 13,287 Sq. ft. in Amaguda, Jagdalpur, Distt. Bastar. Therefore, the mesne profits awarded by the lower Court and affirmed by the 1st Appellate Court at Rs. 50/- per day is just and reasonable. No substantial question of law is involved in this appeal. In the result, this appeal is dismissed. There shall be no order as to costs.

4. Shri Prafull N. Bharat, learned counsel for the respondent submitted that he has no objection if reasonable time is given to the appellants to vacate the premises. In my considered opinion, it would be appropriate to grant six months' time to the appellants to vacate the premises. The appellants are granted six months' time from today to vacate the premises.

5. In view of the above, M.C.P. No. 702/2007 for out of turn hearing stands disposed of.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Priya